



CLARE AND GILBERT VALLEYS COUNCIL

Telephone (08) 8842 6400 Fax (08) 8842 3624

DECISION NOTIFICATION FORM	Development Plan Consent, or Building Rules Consent or Development Approval
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South Australian - Regulations under the Development Act 1993
Regulation 42

FOR DEVELOPMENT APPLICATION	REGISTERED DATED: 11/07/12
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DEVELOPMENT NO: 433/0140/2012	ASSESSMENT NO: 43108992259 4310899507 4310900010
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TO:	ENERGY AUSTRALIA RENEWABLE DEVELOPMENTS PTY LTD LEVEL 33, 385 BOURKE STREET MELBOURNE, VIC 3000
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LOCATION OF PROPOSED DEVELOPMENT	SECTION 271, 272 TOTHILL RD, HD WATERLOO SECTION 273 (H160900), STEELTON RD, HD WATERLOO SECTION 274 (H160900), STEELTON RD EAST, HD WATERLOO
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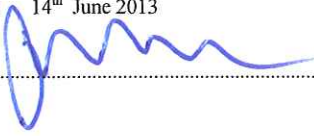
NATURE OF PROPOSED DEVELOPMENT:	EXTENSION TO THE WATERLOO WIND FARM COMPRISING SIX (6) WIND TURBINES, ON-SITE ACCESS TRACKS, HARD STAND AREAS, UNDERGROUND CABLING, A CONSTRUCTION LAYDOWN AREA AND ASSOCIATED WORKS
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In respect of this proposed development you are informed that:-

Nature of Decision	Consent Granted	No of Conditions	Consent Refused	Not Applicable
Provisional Development Plan consent	GRANTED	18 + NOTES		
Reserved Matters	Still Required			
Provisional Building Rules consent	Still Required			
Other				✓
DEVELOPMENT APPROVAL	Still Required			

Nine (9) representation(s) from third parties concerning your proposal were received.

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.

Date of Decision: 14 th June 2013	<input type="checkbox"/> Development Assessment Commission or Delegate
Signed: 	<input checked="" type="checkbox"/> Council Chief Executive Officer or Delegate
Date: 14 June 2013	<input type="checkbox"/> Private Certifier
	<input type="checkbox"/> Sheets Attached

Please read the information on the back of this form

NOTES FOR APPLICANTS

Lapse of consent or approval

48. (1) Subject to this or any other regulation, any consent or approval under Part 4 of the Act (whether subject to conditions or not) will lapse at the expiration of -
- (a) subject to the operation of paragraph (b) - 12 months from the operative date of the consent or approval;
 - (b) if-
 - (i) the relevant development has been lawfully commenced by substantial work on the site of the development within twelve months from the operative date of the approval - three years from the operative date of the approval, unless the development has been substantially or fully completed within those three years (in which case the approval will not lapse); or
 - (ii) if the relevant development involves the division of land and an application for a certificate under Section 51 of the Act has been lodged with the Development Assessment commission within twelve months from the operative date of the relevant consent - three years from the operative date of the consent.
- (2) A period prescribed by subregulation (1) may be extended by a relevant authority-
- (a) when the relevant consent or approval is given; or
 - (b) at such later time as may be appropriate.
- (3) Where an approval is given, any consent which was necessary for that approval will not lapse unless or until the approval lapses.

DIVISION 2 – DISPUTES AND APPEALS

General right to apply to Court

86. (1) The following applications may be made to the Court-
- (a) a person who has applied for a development authorisation may appeal to the Court against -
 - (i) a refusal to grant the authorisation; or
 - (ii) the imposition of conditions in relation to the authorisation; or
 - (iii) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation;
 - (b) a person who is entitled to be given a notice of a decision in respect of a Category 3 development under Section 38 may appeal to the Court against that decision (to the extent that it relates to the assessment of the relevant development against a Development Plan);
 - (c) a person who has applied to a Council for a certificate of occupancy or an approval to occupy a building on a temporary basis may appeal to the Court against a refusal by the Council to grant the certificate or to give the approval;
 - (d) a person who has-
 - (i) been served with an order under Section 55 or 56; or
 - (ii) been served with an enforcement notice under Section 84; or
 - (iii) been served with a notice or order under Part 6,may appeal to the Court against the notice or order;
 - (e) a person who is a party to a dispute relating to-
 - (i) the effect of the Building Rules in specific circumstances; or
 - (ii) the manner in which the provisions of the Building Rules are, or ought to be, carried into effect; or
 - (iii) whether or not the application of the Building Rules should be modified in a particular case; or
 - (iv) whether the requirements of the Building Rules in any matter relating to building work have been satisfied in a particular case, or what is necessary for the satisfaction of those requirements; or
 - (v) the construction of a party wall or the proportion or amount of the expense to be borne by the respective owners of premises separated by a party wall; or
 - (vi) any other prescribed matter,may apply to the Court for determination of the dispute.



CLARE AND GILBERT VALLEYS COUNCIL

Telephone (08) 8842 6400 Fax (08) 8842 3624

CONDITIONS ATTACHING TO NOTIFICATION OF A DECISION

DEVELOPMENT NUMBER: 433/0140/2012

DEVELOPMENT AT: SECTION 271, 272 TOTHILL RD, HD WATERLOO
SECTION 273 (H160900), STEELTON RD, HD WATERLOO
SECTION 274 (H160900), STEELTON RD EAST, HD WATERLOO

OWNER: AP & J ALLCHURCH NOMINEES
MR & HJ WILLIAMS
DJ BUSCH

BUILDER & LICENCE NO: TBA

BUILDING CLASSIFICATION: TBC

APPROVED NO OF OCCUPANTS
UNDER THE BUILDING CODE: N/A

The purpose of implementing these conditions is to ensure all development complies with requirements of all Acts of Parliament and that the development is orderly and comparable with adjacent developments as allowed in the Council's Supplementary Development Plans.

CONDITIONS OF APPROVAL: As listed below

1. Subject to the decision of the reserved matters, the proposed development shall be undertaken using Vestas V90 3.0MW Wind Turbine Generators and otherwise in accordance with plans and associated reports that accompanied the application, including:-
 - TruEnergy Volume I Main Report, July 2012
 - TruEnergy Volume II Technical Appendices, July 2012, inclusive of amendments dated 4 October, 2012 (Marshall Day Acoustics) and 31 August 2012 (Aviation Projects)
 - A1 site plan and topographic site plan, dated 6 March 2013
2. The site, buildings and materials to be utilised in the construction of the development shall be of a high quality, as detailed in the application documentation, and shall be maintained at all times to the reasonable satisfaction of Council.
3. The applicant shall provide the Council with engineering details for the construction and maintenance of all internal access roads prior to the commencement of construction works. Such engineering detail shall document the width, length and slope of the roads, as well as the construction method, materials and drainage systems to be utilised, to the satisfaction of Council.
4. The applicant shall provide the Council with engineering design details for the hardstand areas as proposed for each of the wind turbine sites prior to the commencement of construction works, to the satisfaction of Council.
5. Following construction, all site work areas, including access roads, not required for ongoing maintenance shall be rehabilitated including replanting with crops or native species, such plantings to be maintained and nurtured to the satisfaction of Council.
6. Clearance or damage to native vegetation on the site or public roads for access during construction shall be minimised and not occur in the absence of approval from relevant authorities.

Environment Protection Authority Conditions:

7. Noise levels at the noise sensitive receivers around the Wind Farm development are to meet requirements of the Wind Farms Environmental Noise Guidelines, July 2009. The noise level at the relevant receivers (non-commercial stakeholders), when adjusted by the inclusion of a penalty for the tonal characteristic in accordance with the EPA Wind Farms Environmental Noise Guidelines, July 2009, must not exceed the following:-
1. 40dB(A) for noise sensitive receivers in the Primary Production Zone
 2. 35dB(A) if receivers are situated in a zone intended for rural living
 3. The background noise (LA90,10) by more than 5dB(A).
8. Warranted maximum sound power characteristic for the wind turbine generators (WTGs) installed in accordance with the proposed layout must not exceed levels in Figure 1 of the acoustic report prepared by Marshall Day Acoustics and dated 4 October 2012. The warranted sound power levels are to be measured in accordance with IEC61400-11, Ed.2.1: Wind turbine generator systems - Part 11: Acoustic noise measurements techniques.
9. Noise emission of wind turbine generators (WTGs) intended for installation must not include audible tones (#La,k>0). The tonality test procedure is defined in IEC 61400-11, Ed.2.1: Wind turbine generator systems - Part 11: Acoustic noise measurement techniques. In case the final choice of WTGs differs from type of the turbine adopted in the acoustic report prepared by Marshall Day Acoustics and dated 4 October 2012, the applicant must submit results of acoustical test confirming absence of tone in the WTG noise emission before commissioning the wind farm.

Department of Planning, Transport and Infrastructure (Transport Services Division) Conditions

10. A Traffic Management Plan for the proposal shall be provided to the Department of Planning, Transport and Infrastructure (DPTI) for approval prior to commencement of construction. This plan shall incorporate the following points:

- The final access route
- Details of all road upgrades required to facilitate the development
- Details of delivery times
- Details of proposed road closures and their management
- Details of the permits required
- Details of all required road signs and advisory signs
- A route risk assessment for roads intended for transportation of over-dimensional wind farm components.

The plan shall also reference the guidelines pertaining to the transportation of indivisible items in South Australia.

11. Any power poles on or adjacent arterial roads shall be located outside of the road clear zone refer Austroads Guide to Road Design - Part 6: Roadside Design, Safety and Barriers, Table 4.1.
12. All road upgrades required to facilitate site access (including realignment and sealing) shall be completed prior to the commencement of construction.
13. All road works shall be designed and constructed to the satisfaction DPTI, with all costs (including design, project management, construction and any road lighting or drainage upgrades required as a direct result of the development) being borne by the developer. Prior to undertaking the required road works, the developer shall contact the Departments Northern & Western Region (Port Augusta Office), Planning Unit Manager, Mr Bob Bemmerl to discuss permitted hours of disruption to traffic flows and technical requirements (which may include upgrades to drainage) for works on or adjacent to a Departmental maintained road.

Country Fire Service conditions

14. Construction Period Access

- Heavy vehicle access will be necessary during the assembly and erection phases.
- Access roads on the project site will be required to a minimum width of 5 metres.
- Access roads are to be all weather construction and surfaces.
- Access road gradients shall not exceed 16° slope.
- Crossovers on any water course shall be constructed to support a minimum 15 tonne vehicle.
- Access road curves shall have an inside radii of 9 metres minimum.

- The all-weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water run-off to appropriate drains, on one or both sides of the traffic surface. The accumulated volumes of water shall be directed via:-
 - a. open drains, or
 - b. culverts and pipes under the traffic surface, and/or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
- Dead end access roads shall have a 25 metre diameter all weather turnaround, or a "Y or T" shaped turnaround area with each leg being no less than 17 metres long.
- During the period 1st November to the following 30th April (Fire Danger Season), a 10 metre wide fuel managed zone on either side of all access roads upon the project land shall be mechanically slashed to a finished height of 100mm. This may need to be completed more than once in any one Fire Danger Season, due to the weather conditions and vegetation regrowth.

15. Tower sites

- Tower sites are to be cleared of all flammable vegetation for a total area of 40 metres by 40 metres during the construction phase, and maintained post construction phase during subsequent/each Fire Danger Season, to the same dimensions of 40 metres by 40 metres.

16. Fire fighting equipment

- During any Fire Danger Season whilst the wind farm is being constructed, the following firefighting equipment is to be readily available at all times at the site, and mounted on an appropriate 4 x 4 vehicle:-
 - o 2000 litres of firefighting water
 - o One 5hp firefighting pump
 - o 2 x 30 metre x 19mm fire hose reels with spray/jet nozzles
 - o 4 x firefighting knapsacks
 - o 4 x rakehoes
 - o 4 x long handled shovels
 - o 2 x 9 litre stored water pressurised extinguishers
 - o 2 x 9kg dry powder extinguishers

17. Emergency services response

- During the construction phase and ongoing maintenance processes into the future, the local emergency services be provided with:-
 - o Tower identification mapping
 - o Security gate numbers and key sets
 - o Wind Farm Company all-hours emergency contact telephone numbers

18. Requirements on wind farm company staff

- The emergency services would require that all company staff who are likely to respond into the project area, be provided with the following:-
 - o Reliable radio or telephone (mobile) communications to enable contact from site to emergency services.
 - o Crews receive bushfire and other emergency reporting training, and have available at all times a contact and procedures manual.
- A working knowledge of and be compliant with SA Country Fire Service legislation (use of tools during the Fire Danger Season) and contacts for fire ban advice (CFS and local government).

Reserved Matters

Pursuant to Section 33(3) of the Development Act, 1993, the decision on each of the following matters is reserved for further assessment pending the provision of further information (and must be resolved prior to granting of Development Approval):

1. The final layout of the proposed development;
2. A Construction Environmental Management Plan and an Operational Environmental Management Plan for the construction and operational phases of the proposed development; and
3. A Rehabilitation and Decommissioning Plan for decommissioning works, reinstatement and restoration activities upon the removal of the wind farm..

General notes:

- A rock crushing plant and/or concrete batching plant, if required, would be the subject of separate development application.
- In accordance with the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister).

Environment Protection Authority notes:

- The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- Earthworks and heavy vehicle movement resulting in site disturbance including track construction or upgrading, base material excavation and cable trenching should not be undertaken when soil damage, degradation or erosion is likely to occur as a result of the activity or exposure to wind or rain.
- The applicant is advised that construction and operational activities resulting in the exposure of soil or the stockpiling of soil and spoil should be managed to avoid erosion and/or sediment entering any wetland, watercourse or drainage line. (Further guidance can be found in the EPA Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry.).
- The applicant is advised that construction noise resulting in noise with an adverse impact on amenity must comply with Part 6, Division 1 of the Environment Protection (Noise) Policy 2007.
- An environmental authorisation in the form of a licence under the Environment Protection Act 1993 must be obtained before commencing any concrete batching on site. The applicant is advised to contact the EPA in sufficient time to determine the licensing requirements.
- Surface and ground water resources must be protected from the entry of listed pollutants including soil, sand, gravel or clay, in accordance with Clause 17 of the Environment Protection (Water Quality) Policy 2003 (the Water Quality Policy).
- Any information sheets, guideline documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following website: <http://www.epa.sa.gov.au>

SA Heritage Council notes:

The applicant is informed of the following requirements under the Heritage Places Act 1993:-

- If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

C. That pursuant to Regulation 48(2)(a) of the Development Regulations 2008, the operative periods are extended so that this consent or approval will lapse at the expiration of:-

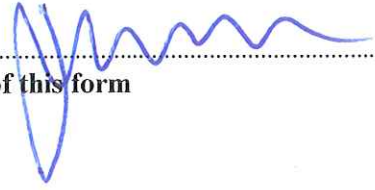
- (a) subject to the operation of paragraph (b) - 3 years from the operative date of the consent or approval
- (b) if the development has been lawfully commenced by substantial work on the site of the development within 3 years from the operative date of the approval - 5 years from the operative date of the approval unless the

development has been substantially or fully completed within those 5 years (in which case the approval will not lapse)

Date: 14 June 2013

Authorised Officer:

Please read the information on the back of this form

A handwritten signature in blue ink, consisting of a large loop followed by several smaller, connected loops, positioned over the dotted line of the 'Authorised Officer' field.

MANDATORY INSPECTIONS

Applicant/Builder to provide mandatory notification to Council prior to the following stages of construction (Class 1 - 9 buildings).

1. Concrete footings prior to pouring of concrete.
2. Completion of wall and roof framing prior to claddings being fixed.

REQUIREMENTS FOR CERTIFICATE OF OCCUPANCY

Development Act 67(1)(b) - A person must not occupy a building in contravention of a certificate of occupancy.

Occupation of Class 1a buildings

A person must not occupy a Class 1a building under the Building Code (or an addition to a Class 1a building) that has not been fully completed in accordance with a development authorisation insofar as it relates to the performance of building work unless -

1. The building is structurally sound and weatherproof: and
2. The building work that has been carried out on the building is in accordance with the relevant approval (disregarding any variation of a minor nature which has no adverse effect on the safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the Council); and
3. The building includes all items specified in clause F2.1 of the Building Code for class 1a buildings: and
 - (a) a kitchen sink and facilities for the preparation and cooking of food;
 - (b) a bath or shower;
 - (c) clothes washing facilities, comprising at least one washtub and space in the same room for a washing machine or wash copper; and
 - (d) a closet pan and washbasin
4. All connections required for the supply of water, and the disposal of water and effluent have been made (although if the approved documentation provides for two or more of the same item, it is sufficient for the purposes of this paragraph that one item is connected); and
5. If the building is in an area set out in schedule 18 (being an area designated as a bushfire prone area), the building complies with Part G5 of the Building Code.

Penalty: Division 6 fine

Swimming Pools

A person must not, in relation to a swimming pool completed after the commencement of this regulation, fill the pool with water unless the pool is enclosed by a fence that complies with SA Appendix Part G.1.1(b) of the Building Code.